



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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May 2, 2012

Mr. Michael C. Cassidy
District Attorney
31st Judicial District Court
Post Office Box 1388
Jennings, Louisiana 70546

Re: Ethics Board Docket No. 2012-103

Dear Mr. Cassidy:

The Louisiana Board of Ethics, at its April 20, 2012 meeting, considered your request for an advisory opinion as to whether the dual office holding laws prohibits certain employment situations. You stated that Tim Landry is a fire chief with a Jefferson Davis Fire Protection District. You also stated that Mr. Landry was hired by a Jefferson Davis Parish Drainage District to maintain ditches. Mr. Landry has hired an employee of the Jefferson Davis Police Jury to help him maintain the ditches and is paid for by Mr. Landry's personal funds. You stated that the Police Jury employee is also a volunteer firefighter with the Fire Protection District.

You also stated that the Jefferson Davis Police Jury has, at times, appointed the same person to both the Fire Protection District Board and the Drainage District Board. Further, you stated that the Police Jury has an employee who also serves as the secretary for a Fire Protection District and Drainage District and receives a pay check from all three governmental entities.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the continued employment of Tim Landry with the Jefferson Davis Parish Drainage District Board while he serves as fire chief for the Jefferson Davis Fire Protection District. La. R.S. 42:1113A states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant. Since the Drainage District is a separate agency from the Fire Protection District, his employment with the Drainage District is not prohibited by the Code of Ethics. However, the Board does not address the application of the Dual Office Holding Laws as such laws are not under the jurisdiction of the Board.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Mr. Landry from continuing to employ an employee of the Jefferson Davis Parish Police Jury to help him with his work with the Jefferson Davis Parish Drainage District while he also serves as a volunteer firefighter for the Fire Protection District. La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest from receiving any thing of economic value for services rendered to or for any person during his public service unless such services are neither performed for nor compensated by any person who has or is seeking to have a contractual, business or financial relationship with the public servant's agency.

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Since the police jury employee is not providing compensated services to a person, Mr. Landry, who has a contract with his agency, the police jury or fire protection district, such employment is not prohibited. Again, the Board does not address the application of the Dual Office Holding Laws as such laws are not under the jurisdiction of the Board.


The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the Jefferson Davis Parish Police Jury from appointing the same persons to different boards since such appointment is not being made by the person's agency, that is the appointed member's board. La. R.S. 42:1113A states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant. The Board does not address the application of the Dual Office Holding Laws as such laws are not under the jurisdiction of the Board.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit a police jury employee from continuing her employment as the secretary of Fire Protection District Board and Drainage District Board. La. R.S. 42:1113A states no public servant, or a member of such a public servant's immediate family, or a legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the agency of such public servant. La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest from receiving any thing of economic value for services rendered to or for any person during his public service unless such services are neither performed for nor compensated by any person who has or is seeking to have a contractual, business or financial relationship with the public servant's agency. The Board does not address the application of the Dual Office Holding Laws as such laws are not under the jurisdiction of the Board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS


Tracy M. Barker
For the Board